IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 22861 of 1994

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Between:

The Management of Partap Steels Limited rep. by its

General Manager Sri Susheel Kumar Maheswari
S/o. Babulal Maheswari, Patancheru, Medak Dist.

..... PETITIONER

AND

-

1 The Industrial Tribunal, Hyderabad.
2 Partap Steels Worker's Union, Regd. No. A.306,

H.No. 1-74, Ramachandrapuram, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction particularly one in the nature of writ of certiorari after calling for the records relating to Award in ID.No. 11/90 dt. 8-9-1994 published in G.O.Rt.No. 304 Labour Employment & Training (Lab.I) Department, dt 11-10-94 and quash the same as being illegal, perverse and not based on any evidence.

Counsel for the Petitioner : MR.M.PANDURANGA RAO

Counsel for the Respondent No.1 : G.P. FOR SOCIAL WELFARE & LABOUR

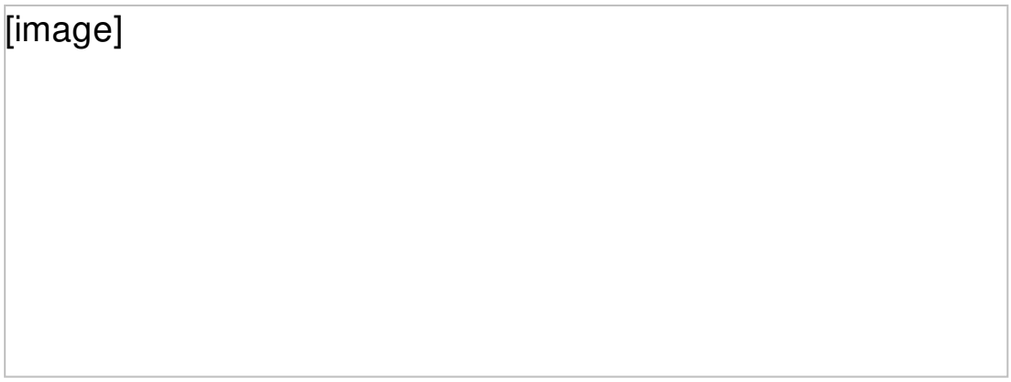
Counsel for the Respondent No.2: MR.B.NALIN KUMAR

The Court made the following :

O R D E R :

This Writ Petition is filed by the management assailing the Award, dated 8.9.1994 passed by the Industrial Tribunal, Hyderabad in I.D.No.11 of 1990.

2. At the instance of the Union, the Government of Andhra Pradesh referred the following dispute for adjudication:



3. In the said dispute, no witness was examined on behalf of the workman and no documents were also filed on their behalf. However, the management examined one witness and marked Exs:M-1 to M-33.

4. After considering the entire material available on record, the learned Tribunal held that the management was not justified in declaring the lockout, without there being evidence on behalf of the

workmen. But, however, I am inclined to give one more opportunity to the workmen to justify the demand made by them.

5. Under those circumstances, without going into the other aspects, I am inclined to set aside the award and remit the same to the Tribunal for fresh consideration. The Tribunal shall issue notice to the parties concerned and after permitting the workmen to adduce evidence, further opportunity if required by the management also be given to them for adducing further evidence. The Tribunal thereafter shall pass appropriate award within a period of six months. Any findings or observations made by the Tribunal in the impugned order, shall not be taken note of, while considering the matter, after remand by this Court.

6. Accordingly, the Writ Petition is allowed. No costs.

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G. BIKSHAPATHY, J

The Rule Nisi has been absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Second day of September, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1. The Presiding Officer, The Industrial Tribunal, Hyderabad.

1. 2CCs to G.P. FOR SOCIAL WELFARE & LABOUR, High Court

Buildings, Hyderabad (OUT)

2. 2CD copies

Dated:02 -09-2004

ccm